

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF GEORGIA  
SAVANNAH DIVISION**

DAVID LAMARR LOVE,

Plaintiff,

v.

FOOD LION, LLC,

Defendant.

CIVIL ACTION NO.: 4:22-cv-112

**ORDER**

After a careful de novo review of the entire record, the Court concurs with the Magistrate Judge's June 9, 2022, Report and Recommendation, (doc. 7), to which plaintiff has filed an objection, (doc. 9). Love also submitted an application to proceed *in forma pauperis*. (Doc. 8.) However, the Magistrate Judge has already granted him leave to proceed *in forma pauperis*. (See doc. 6, p. 1.) His redundant Motion is, therefore, **DISMISSED** as moot. (Doc. 8.) For the reasons explained below, the Court **ADOPTS** the Report and Recommendation as its opinion.

As the Magistrate Judge's Report and Recommendation summarizes, this case arises out of an altercation between Love and an unidentified employee of a Food Lion grocery store in Savannah, Georgia. (See doc. 7, pp. 2-3.) The Magistrate Judge explained that such an individual could not plausibly be subject to liability under 42 U.S.C. § 1983 because neither he nor the entity that apparently employs him is a state actor. (*Id.* at 3-5.) The Magistrate Judge also recommended dismissal of Love's 42 U.S.C. § 1985 claim as "wholly conclusory." (*Id.*, pp. 5-7.) The Magistrate Judge explained that 42 U.S.C. § 1988 does not provide an independent cause of action. (*Id.*, pp. 7-8.) Finally, the Magistrate Judge explained that Executive Order

13107 does not provide any basis for a civil suit. (Id., pp. 8-9.) Since Love’s Complaint “states no viable claim,” the Magistrate Judge recommended dismissal. (Id., p. 9.)

Love’s Objection does not identify any defect in the Magistrate Judge’s reasoning. (See doc. 9.) Instead, it asserts that the Defendant’s failure to respond to a “Intent to Sue Oppurinty [sic] to Cure Notice,” means it “has forfeited, acquiesced, and waived all defenses to plaintiff’s simple nonargument remedy.” (Id., p. 1.) He has attached a copy of the “Notice.” (Id., p. 3.) Neither the Objection itself or the attached “Notice” identify any legal claim other than those considered by the Magistrate Judge. (See generally id.) Therefore, Love’s Objections are **OVERRULED**. (Doc. 9.) For the reasons discussed by the Magistrate Judge, the Complaint, (doc. 1), is **DISMISSED**. The Clerk of Court is **DIRECTED** to **CLOSE** this case.

**SO ORDERED**, this 2nd day of November, 2022.



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R. STAN BAKER  
UNITED STATES DISTRICT JUDGE  
SOUTHERN DISTRICT OF GEORGIA